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8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA

11 COLLEEN WITMER, Derivatively on  
12 Behalf of IXIA,

13 Plaintiff,

14 vs.

15 VICTOR ALSTON, et al.,

16 Defendants,

17 – and –

18 IXIA,

19 Nominal Defendant.

Case No. CV13-09359-PA (SHx)

NOTICE OF VOLUNTARY  
DISMISSAL WITHOUT PREJUDICE  
PURSUANT TO FRCP RULE 41

1 PLEASE TAKE NOTICE THAT Plaintiff Colleen Witmer hereby serves this  
2 notice of voluntary dismissal of the above-captioned action (the "Action") without  
3 prejudice pursuant to Fed. R. Civ. P. Rule 41(a)(1)(A)(i). No defendant has served an  
4 answer or motion for summary judgment in the Action. Attached hereto as Exhibit A  
5 is Form CV-09.

6 DATED: January 23, 2014

THE WEISER LAW FIRM, P.C.  
KATHLEEN A. HERKENHOFF  
(168562)

7  
8  
9 /s/ Kathleen A. Herkenhoff  
KATHLEEN A. HERKENHOFF

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**ATTESTATION**

I, Kathleen A. Herkenhoff, am the ECF User whose identification and password are being used to file the Notice of Voluntary Dismissal without Prejudice Pursuant to FRCP Rule 41.

DATED: January 23, 2014

THE WEISER LAW FIRM, P.C.

s/ Kathleen A. Herkenhoff  
Kathleen A. Herkenhoff  
Counsel for Plaintiff

## EXHIBIT A

Kathleen A. Herkenhoff, Esq. 168562  
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 12707 High Bluff Drive, Suite 200  
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**UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA**

Colleen Witmer, Derivatively on Behalf of IXIA	CASE NUMBER CV13-09359-PA (SHx)
Victor Alston, et al. v. Plaintiff(s), Defendant(s).	<b>NOTICE OF DISMISSAL PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE 41(a) or (c)</b>

PLEASE TAKE NOTICE: (*Check one*)

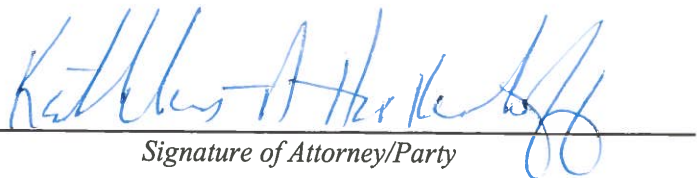
- ☒ This action is dismissed by the Plaintiff(s) in its entirety.
- ☐ The Counterclaim brought by Claimant(s) \_\_\_\_\_ is dismissed by Claimant(s) in its entirety.
- ☐ The Cross-Claim brought by Claimants(s) \_\_\_\_\_ is dismissed by the Claimant(s) in its entirety.
- ☐ The Third-party Claim brought by Claimant(s) \_\_\_\_\_ is dismissed by the Claimant(s) in its entirety.
- ☐ **ONLY** Defendant(s) \_\_\_\_\_

is/are dismissed from (*check one*) ☐ Complaint, ☐ Counterclaim, ☐ Cross-claim, ☐ Third-Party Claim brought by \_\_\_\_\_.

The dismissal is made pursuant to F.R.Civ.P. 41(a) or (c).

01/23/2014

Date

  
 Signature of Attorney/Party

**NOTE: F.R.Civ.P. 41(a):** This notice may be filed at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs.

**F.R.Civ.P. 41(c):** Counterclaims, cross-claims & third-party claims may be dismissed before service of a responsive pleading or prior to the beginning of trial.

CERTIFICATE OF SERVICE

I hereby certify that on January 23, 2014, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List and the Manual Service List.

In addition, I caused a courtesy copy to defense counsel not yet appearing in the action to be mailed via United States Mail as indicated on the attached Service List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 23, 2014.

s/ KATHLEEN A. HERKENHOFF  
KATHLEEN A. HERKENHOFF

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## **Mailing Information for a Case 2:13-cv-09359-PA-SH Colleen Witmer v. Victor Alston et al**

### **Electronic Mail Notice List**

The following are those who are currently on the list to receive e-mail notices for this case.

- **Kathleen Ann Herkenhoff**  
kah@weiserlawfirm.com,jmf@weiserlawfirm.com,jmp@weiserlawfirm.com,hl@weiserlawfirm.com

### **Manual Notice List**

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)

1 SERVICE LIST (IXIA)

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